

## SENATE OVERRULED

Justice Wright Would Force Members to His Court.

## RULING IN PAPER CO. CASE

Holds He Has Administrative Jurisdiction, and if Order is Further Ignored, He May Cite Three United States Senators and Three Representatives for Contempt of Court.

Justice Wright, of the District Supreme Court, took direct issue with the Senate yesterday morning, that he had unlawfully invaded Constitutional privileges and prerogatives by issuing a writ of mandamus requiring Senators Smoot, Bourne, and Fletcher to appear and show cause why a certain contract for paper should not be awarded to the Valley Paper Company, of Holyoke, Mass.

Justice Wright's opinion was a lengthy one, in the course of which he cited numerous precedents to show that officers of legislative bodies, heads of executive departments in Washington, and even courts themselves are amenable to the writ of mandamus.

The Valley Paper Company was the lowest bidder among several for the furnishing of paper to the Government Printing Office. The joint committee on printing, consisting of Senators Smoot, Bourne, and Fletcher, and Representatives Cooper, Sturgis, and Findlay, rejected the bid.

## Paper Company Complains.

The paper company thereupon petitioned the court to require the six members of the committee to appear and answer a complaint. The Senate Committee on the Judiciary formulated a resolution denying the jurisdiction of the court and instructing its members not to appear. The House, however, instructed its members to appear, out of courtesy to the court, and denied jurisdiction. Through counsel, the House members appeared, and denied jurisdiction of the court, and also by courtesy uniformly answered the petition of the paper company.

Justice Wright having decided that the Supreme Court of the District of Columbia has jurisdiction, an interesting situation is created. He has set Friday next as the date upon which the House members must appear and formally answer the petition of the paper company. In his formal order Justice Wright named only the House members of the committee to appear on Friday. Unless some legal genius in the House or Senate evolves some plan, there appears to be imminent an unprecedented clash between Congress and a Federal court, which has held that a duty imposed upon members must appear and formally answer the petition of the paper company.

## Could Be Cited for Contempt.

Some attorneys believe that under the circumstances, if all six of the Senators and Representatives do not present themselves in court Friday morning, Justice Wright can cite them to appear and show cause why they should not be punished for contempt of court. But the situation would then become complicated, however, by the fact that the Senate members, if they do appear, will be in contempt of the Senate, and unless the House recedes from its position, the House members would be in contempt of the House. Therefore, it can be counted on as altogether likely that there will be a big controversy in both branches of Congress between now and Friday.

Justice Wright's order concludes: "The considerations which have been expressed, and the conclusion to which the court's judgment has been led requires the court to answer that it is by law vested with jurisdiction to hear and determine the controversy; that it is obliged by the law of the land to entertain that jurisdiction and to proceed to that hearing and determination."

"During the progress of the exercise of that jurisdiction should there be an undertaking to infringe the privileges and prerogatives of the Congress of the United States or of its members, the court expects to be the foremost among those who uncover it, and who attend to the preservation and the vindication of their inviolate and inviolable character."

## Up to the Senate.

In the opinion of the lawyers of the Senate Committee on the Judiciary, Justice Wright's decision that he has jurisdiction does not in any way effect the status of the Senators who have been ordered to appear before him.

The Senators in refusing to obey the summons of the court were acting under

explicit direction of the Senate, and, therefore, had no right to appear. In fact, the members of the Judiciary Committee hold that the Senators would be violating the orders of the Senate in responding to the summons just as much, now that Justice Wright maintains that he has jurisdiction, as they would have before his decision was rendered. There is nothing for the court to do now but to issue the mandamus which commands the members of the Senate to do certain things.

This thing, they are prevented from doing by the action of the Senate, and there the case rests until such time as the Senate may see fit to act further. So far as the attitude of the Senators summoned to appear is concerned, the matter is settled for the time being at least, and aside from the academic question of jurisdiction involved, they have no interest in the decision.

## FRIENDS TOAST HIM.

Manager Kernan, of Lyceum Theater, Enjoys Birthday.

More than 100 friends of Eugene Kernan, the veteran and popular manager of the New Lyceum Theater for the past twenty-five years, who was in his younger days a sea captain of fame, made merry last evening at the Jolly Fat Men's Club in the large banquet hall, which was beautifully decorated. It was the seventy-sixth birthday of the popular manager. The toastmaster was Jacob Johnson, an old friend and employee of the manager, who introduced the speakers, and who presented a beautiful parlor set to Mr. Kernan.

Charles Stohlman acted as a committee on the entertainment. A variety of short addresses and anecdotes and other stunts served to make the evening a pleasant one. The affair closed with a brief address by manager Eugene Kernan thanking his many friends for their thoughtfulness and good-fellowship. This was followed by a song sung by manager Kernan, assisted by the Lyceum Theater Orchestra, entitled "We Are All Good Fellows." All present joined in the chorus of the song. The merry crowd all arose and a brief speech was made by C. H. Deichman, the worthy treasurer of the Lyceum Theater, wishing the governor a hundred more birthdays and continued good health and prosperity. All present drank a toast.

## ENDOWMENT HELD IMPAIRED.

President of Carnegie Fund Explains Why G. W. U. Was Cut Off.

In his fourth annual report, issued in New York yesterday, Dr. Henry S. Pritchett, president of the Carnegie Foundation for the Advancement of Teaching, explains that George Washington University was retired from the accepted list because it "impaired its endowment, and because two professors had been arbitrarily dismissed."

Among the conclusions embodied in the report is the following: "The widespread custom of college advertising revolves itself in the end, not alone of good taste, but of farsighted policy."

Dr. Pritchett points in particular to some of the unusual advertising efforts made by various higher educational institutions, and he characterizes as "extraordinary" some of the statements made in the literature sent out by Presbyterian college boards.

## AMERICAN MAKES COMPLAINT.

Resident of Nicaragua Declares His Wife Was Insulted by an Officer.

Corinto, Feb. 28.—Frank Sweetser, an American citizen living at Matagalpa, came here today to file a complaint with Rear Admiral Kimball, commanding the American naval forces in these waters. Sweetser informed the admiral that following the entry of the Nicaraguan army into Matagalpa, an officer in the Nicaraguan army called at his house and sought to compel one of his servants to enlist.

When the man refused the officer drew his sword and threatened violence. Mrs. Sweetser interfered only to be insulted by the officer. She procured a revolver and threatened the offender, whereupon he left.

The government had offered an apology and had disciplined the officer.

## LOCAL BRIEFS.

H. D. Homenay, secretary of the People's Institute of Northampton, Mass., will give an illustrated lecture at the District Public Library tonight on "Planting home gardens."

Arminius Lodge, No. 25, of Masons, gave a dinner at the Hotel Fitz Reuter last evening, following a business meeting.

Dr. G. F. Whiggler will lecture at 1321 Fairmont street, tonight on "The causes of disease."

## Ocean Steamships.

New York, Feb. 28.—Arrived: Laurentic, Liverpool; February 27; Columbia, Glasgow, February 27; Mesaba, London, February 27.

Arrived at: Hamburg, at Genoa; California, at Glasgow; Minnehaha, at London.

## BYRD BILL IS PASSED

Virginia House Favors Local Option Measure.

## LICENSES NEARLY DOUBLED

Committee on Finance Reports Adversely on the Myers State-wide Prohibition Bill—Senate Agrees to the Amendment for Commission Form of Government for Cities.

Special to The Washington Herald.

Richmond, Va., Feb. 28.—The Byrd liquor bill passed the house today by a vote of 67 to 13. This bill is a local option measure, pure and simple. It is designed to strengthen the existing Byrd liquor law, and its principal feature is the elimination from the State of the sale of "near beer."

Licenses of all kinds are greatly increased, being doubled in most instances. The average is more than doubled.

Of perhaps as much or more interest than the consideration of the Byrd bill, was the action of the house committee on finance on the Myers State-wide prohibition bill, known as the enabling act. After a short executive session in the afternoon, the committee decided to report the bill, with a recommendation that it do not pass.

## Permits Railway Merger.

Bills were reported by the subcommittee allowing the merger and reincorporation of the Richmond, Fredericksburg and Potomac Railway, and delaying the operation of the Cooke amendment to the Sunday railroad bill for six months to give time for a settlement of the question. In the house the report was unanimously agreed to. The Senate referred the whole matter to a committee.

The joint resolution proposing an amendment to the constitution which will in future years allow cities to adopt a commission form of government was agreed to by the Senate. The house had previously adopted the resolution.

The house passed a bill requiring dentists to be graduates in medicine and surgery. It does not become operative for four years.

Efforts were made to change the size of town in which liquor can be sold, but they were unavailing. In the present bill no town which has fewer than 500 people can grant a license.

An important amendment, however, was that fining minors who buy liquor. Hereafter these youngsters who testify in the grand jury room against saloon keepers may be convicted and fined.

## MANN MAKES APPOINTMENTS

Governor Sends Long List to State Senate for Confirmation.

J. K. M. Norton, of Alexandria, on the Board of Visitors for the University.

Special to The Washington Herald.

Richmond, Va., Feb. 28.—Gov. Mann sent a special message to the Senate today, making the following appointments: Members of the board of visitors of the University of Virginia for the term of four years—Armistead C. Gordon, Staunton; John W. Craddock, Lynchburg; William W. White, Richmond; J. K. M. Norton, Alexandria; W. D. Flood, Appomattox.

Members of the board of trustees of the State Normal and Industrial School for Women, for the term of two years—Alden Bell, Culpeper; George C. Round, Massanutten; John A. Tesnor, Norfolk; Peter J. White, Richmond; Warren W. Holt, Newport News.

Members of the board of trustees of William and Mary, Williamsburg, for the term of four years—Joseph N. Hurt, Blackstone; D. C. L. Tallaferr, Hampton; W. D. Smith, Gate City; Robert M. Hughes, Norfolk; Manly H. Barnes, Boulevard.

James Madison Harris, of Blackstone, as a member of the board of directors of the Virginia penitentiary, to fill the vacancy occasioned by the resignation of J. B. Wood, F. G. Stratton, as a member of same board, for a term of five years from March 1, 1910.

## CARRIAGE SHOP DESTROYED.

Alexandria Visited by Early Morning Fire.

WASHINGTON HERALD BUREAU, 635 King Street.

Alexandria, Va., Feb. 28.—The carriage shop adjoining the residence of Miss Elizabeth Sharp, Woodlawn, Fairfax County, with its contents, was destroyed by fire at an early hour this morning. Miss Sharp's residence was unharmed. Spontaneous combustion is believed to have caused the blaze. The damage is estimated at \$1,000.

The funeral of Frank Davis, of Occoquan, Va., who died yesterday morning, took place this afternoon from his late home. Burial was made in the cemetery at that place. The deceased was an uncle of C. R. Davis, this city.

Revival services were begun this evening at the Methodist Episcopal Church South. They are being conducted by Rev. C. D. Bulla, pastor, and will be continued for two weeks.

## L. W. CALDWELL DEAD.

One of the Oldest and Best Known Men in Warrenton.

Warrenton, Va., Feb. 28.—L. W. Caldwell, one of the oldest residents of the town, a member of the Masonic lodge, a Confederate veteran, and one of the two original operators who dispatched the first message over the Western Union Telegraph Company, then the Morse Telegraph Company, from Richmond to Warrenton, died at his home here last night after a lingering illness.

Mr. Caldwell was, for about thirty years, owner and editor of the True Index, and is survived by his wife, one daughter, Mrs. J. C. Walraven, of Warrenton, and three sons, Harry, Frank, and Charles. The funeral will take place from his home Wednesday, with full Masonic honors.

## Army Officers Must Pay Taxes.

Army and navy officers will have to pay taxes on their personal property, in spite of protest, it has been decided by the board of assessors. The board is of the opinion that army and navy officers are not different from other citizens and must therefore pay the tax as the law provides.

## YESTERDAY IN CONGRESS.

SENATE.  
The Senate met at noon.  
Patent claim court bill favorably reported.  
Reynolds' credentials presented as Gordon's successor.  
Cullum introduced option reform bill.  
Taft unlikely to testify before Ballinger-Pinchot committee.  
H. L. Johnson named District Recorder.  
Business methods bill passed.  
The Senate adjourned at 2:30.

## HOUSE.

The House met at noon.  
Interstate Commerce Court provision in railroad bill favorably reported.  
Letter carriers' claim bill favorably reported.  
Laurentine Gardner, of Massachusetts, in Speaker's chair.  
Bill to raise the Maine favorably reported.  
Fitzgerald asked information in resolution of President as to why New York customs frauds should not be investigated.  
Mann introduced bill to protect poultry in transit.  
Two District street extension bills passed.  
District appropriation bill to be reported today by conference.  
Maiden speech of Fish on attack on rules.  
The House adjourned at 6:30.

## DIXIE FAIR OPENS

Maj. Holmes Conrad Speaks at Southern Bazaar.

## CONFEDERATE COLORS WAVE

Old Masonic Temple Scene of One of the Most Enthusiastic Gatherings Ever Held in Washington—Senator Gordon to Attend Festivities This Evening—Mrs. Merwin in Charge.

With the spirit of Dixie prevailing, enlivened by the presence of scores of veterans, the Confederate bazaar, at its opening last night in old Masonic Temple, was the occasion of one of the most enthusiastic Southern gatherings ever held in Washington.

Nothing was left undone by the committees in charge to make the fair a success in every feature, the hall being gay with decorations of Confederate colors. Daughters of the Confederacy, representing Stonewall Jackson, Robert E. Lee, Southern Cross, Albert Sidney Johnston, and Beauregard chapters, had charge of the booths.

The bazaar is under the direct management of Mrs. C. D. Merwin, director general. Mrs. George S. Covington is chairman of the luncheon committee.

## Maj. Conrad Speaks.

Maj. Holmes Conrad, former Solicitor General, as the orator for Virginia, Maryland, and District of Columbia, made a fervid appeal to the country in upholding the ideals of the old South.

"All we ask," he declared, "is liberty, to gather together to discuss our own affairs, not in treason or rebellion, but in friendliness."

Maj. Conrad praised the high ideals represented by the old South, deploring the spirit of commercialism of present times, and urged that a "solid South" be always maintained along these lines.

"I see no use in the cry to break up the solid South raised all over the country by politicians and their followers, and I hope to Heaven there will always be a 'Solid South.' If the solid South is not good enough for others, it is certainly good enough for us."

"The ideals of the South were represented by such men as Robert E. Lee, and their ideals of manhood, integrity, honesty, and purity were things better than money could buy. The words 'Southern chivalry' were never heard before the war, because the ladies and gentlemen knew they were such, and kept it to themselves."

In referring to the race question, Maj. Conrad laughingly declared: "We love the negro as he was, not as he is."

In conclusion, he urged his hearers not to forget the example set by the fathers of former days, of the high sterling character of the great Confederate leaders, and the high ideals of the old Southern civilization, which, he declared, placed honor above money.

## Chair Wins Applause.

Following Maj. Conrad's address, the Confederate Choir of forty-seven voices, led by Mrs. McDuffie, with Miss Minnie Hunt, of Texas, as Columbia, sang patriotic anthems.

A feature of the evening was the singing of "Dixie" by Mrs. J. Griffin Edwards, of Norfolk, which gave rise to an old-time "rebel yell" from the veterans present.

To-night being North Carolina and South Carolina night, Senator Overman will be the orator of the occasion. Gen. Gordon, the picturesque former Senator from Mississippi, will also speak.

Mrs. Merwin will have as her guests for luncheon to-day Gen. and Mrs. Gordon and Mrs. Virginia Faulkner McSherry. Luncheons will be served from 12 o'clock until 2.

## Those in Charge.

The paddle stand is in charge of the Sons of the Confederate Veterans of the District, Monroe Britt, chairman; country store, Sons of Confederate Veterans; Easter novelties, Mrs. J. Owen Dorsey and Mrs. William F. Holtzman; souvenir table, Mrs. Charles Fred, Miss Pauline Chapman, and Miss Bertie Pugh; doll table, representing famous Southern belles dressed by Lipschultz's tailor firm.

Mrs. Arthur Johnson, Miss F. Weeks and Mrs. Emmart; candy table, Miss Edna Sanders, Miss Ruth Bowie, Miss Ethel Williams, and Miss Charlie Lee; fortune tellers' booth, Miss Rita Wren and Miss Anna Williams; music booth, under the auspices of the Confederate Choir; Easter gifts and souvenirs, Robert E. Lee chapter; cigar and tobacco stand, dealing in the George Washington brand, Miss Archibald Young, Mrs. B. C. Reiley, Mrs. Edmond Parham, Miss Warrenton King, Miss Marguerite Young, and Miss G. H. Lyons, in costume, and Miss Margaret Lewis as an Indian and George Leonard as George Washington; lemonade and punch stand, Mrs. George S. Covington, Miss Anne Seiden, Miss Adele Robinson, Miss Agnes Wyssong, Miss Evelyn Daniels, and Mrs. J. Somerville Harris.

Among the ladies present last night were Mrs. McSherry, president general of the United Daughters of the Confederacy; Mrs. Nannie Heath and Miss Virginia Miller, former presidents of the Southern Relief Society, and Mrs. William F. Dennis, president of the society.

## SHERRY FOR FLAVORING.

To-Kalon Sherry gives added zest and flavor to many a dish that would otherwise taste flat and insipid. Soups, lobster, oysters, wine jelly, etc., are all much improved in flavor when To-Kalon Sherry is a component part.

Per bottle, 50c. Per gallon, \$1.75.

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Largest Women's Outergarment House South of New York.

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Store Hours, 8 to 6.

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### Washington's foremost exhibit of Spring and Summer Outergarments

—embracing the creations of the foremost designers both at home and abroad in

Plain tailored suits, Street costumes and wraps,  
Fancy tailored suits, Evening costumes and wraps,  
Separate skirts, Lingerie waists,  
Net and silk waists, Linen waists.

The largest stock and most comprehensive varieties shown south of New York, and at the most moderate prices ever quoted.

## "We court comparison."

We request your presence. Call and get a souvenir.

## NEW POLICE STATION OPENED.

Commissioner Johnston Delivers Address to Officers.

Commissioner John A. Johnston yesterday opened the new Eleventh precinct police station in Anacostia. After a short address the national flag was raised.

Gen. Johnston is an army man. After inspecting the building he said to the captain in charge, "You have six new cells in the prison room, but I hope there will not be much use for them." Capt. Anderson, replying, said: "We practice the golden rule system. The police of the Anacostia station do not make any more arrests than is absolutely necessary."

The first floor is the main office and the squad room, with a captain's room and rooms for the lieutenants, and in the rear are six cells. The dormitories and a large storeroom are on the second floor.

## APPRAISEMENTS HELD UNJUST.

Commissioners Object to Report of Grade-damage Board.

Appraisements made by the grade-damage commission in favor of the owners of real estate on the east side of Seventh street between Virginia avenue and D streets southwest, have called forth objection from the District Commissioners. The Commissioners assert that the appraisements are contrary to the evidence submitted, and that in appraising the damages the commission did not make due allowance for the benefits which have accrued to the property as a result of the elimination of grade crossings, the building of the Union Station, and the street improvements brought about by the railroad terminal work. The appraisements are regarded as unjust, and request has been made that a jury of seven citizens be summoned to determine the amount of damages to be paid to the property owners.

## ASKS VAST SUM FOR JAIL.

Attorney General Sees Need for \$275,000 in District.

Two hundred and seventy-five thousand dollars for the remodeling of the District jail is an item asked by Attorney General Wickersham in the next sundry civil bill. Attorney General Wickersham plans to have the prisoners do the work on the jail and make it a "credit instead of a disbursement to the District." Half the expense would be paid by the District.

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## EXCURSIONS.

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## NEW NORFOLK LINE

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Saturday Excursion, \$2.00 Round Trip.

Potomac & Chesapeake Steamboat Co.

WASHINGTON, 8th st. wharf—4 p. m., Tuesday, Saturday, 6 a. m., Norfolk, 7 a. m.

NORFOLK, Commercial street wharf—4 p. m.; Old Point Comfort, 8 p. m.; Wednesday, Fri., Sun., at Washington, 6 a. m.

Phone Main 902, or Habel's Ticket Office, National Hotel.

## NORFOLK &amp; WASHINGTON STEAMBOAT CO.

Steamers "Southland" and "Newport News" Daily 6:45 p. m. for

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Week-end tickets, including stateroom and accommodations, Saturday to Monday, Hotel \$7.50

Chamberlain, \$11.50

Friday to Monday, \$11.50

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Board Building, 14th and N. Y. Ave., Phone Main 1520.

## HOTELS.

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